

387-07-GAV PCS

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

SAMANTHA INTERNATIONAL CORP.,

Plaintiff

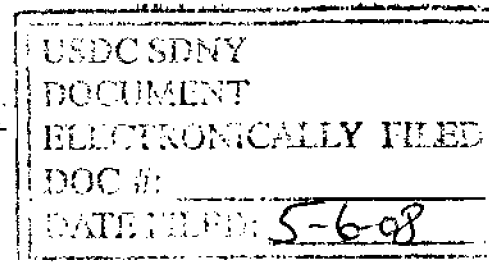
- against -

SMIRNOV GROUP INCORPORATED  
a/k/a OAO SMIRNOV GROUP INC.

Defendant

07 CV 7468 (JFK)

JUDGMENT



WHEREAS, Plaintiff commenced this action on August 23, 2007, by the filing of a Summons and Verified Complaint, to obtain security for its claims against Defendant arising out of a maritime contract of charter party, which claims were the subject of London arbitration; and

WHEREAS, Plaintiff sought and obtained an order of attachment pursuant to Supplemental Admiralty Rule B, directing the Clerk to issue Process of Maritime Attachment and Garnishment ("PMAG") against all tangible or intangible property belonging to, claimed by or being held for Defendant by any garnishees within the district, up to and including the sum of \$3,718,749.77; and

WHEREAS, JPMorgan Chase restrained and sequestered an electronic funds transfer to or by Defendant in the amount of \$100,000.00 on October 9, 2007, as a result of the above Order and PMAG; and

WHEREAS, in accordance with Supplemental Admiralty Rule B(2) and Local Civil Rule B(2), Plaintiff has notified Defendant of the referenced restraint and the pendency of this action and Defendant has indicated its specific awareness of this action; and

WHEREAS, Plaintiff has also mailed to Defendant the complaint, summons and PMAG by international registered mail, and that to the extent that receipt has not been returned, Plaintiff has nonetheless tried diligently to provide copies of the referenced pleadings to Defendant; and

WHEREAS, Defendant has not answered, appeared or otherwise moved with respect to the instant action or the funds under attachment, and the time for doing so has expired; and

WHEREAS, no further funds have been restrained other than the \$100,000.00 transfer identified above and the Court's jurisdiction herein being considered *quasi in rem* and thus limited to the amount of funds under attachment; and

WHEREAS, by virtue of the London arbitration award issued in its favor on April 16, 2008, Plaintiff has demonstrated recoverable damages in excess of the funds currently under attachment; and

WHEREAS, there is no just reason for delay,

NOW, upon application of Plaintiff,

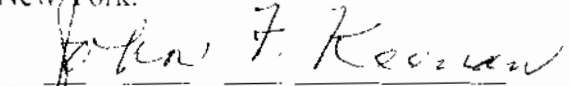
**IT IS ORDERED, ADJUDGED and DECREED** that judgment be entered against Defendant Smirnov Group Incorporation a k a OAO Smirnov Group Inc. in favor of Plaintiff in the amount of \$100,000.00.

**IT IS FURTHER ORDERED, ADJUDGED and DECREED** that upon expiration of the automatic stay of execution of judgment as provided by Federal Rule of Civil Procedure 62, JPMorgan Chase is directed to turn over the funds restrained by the order of attachment issued in this case in the amount of \$100,000.00 in accordance with the written instructions provided by Plaintiff's counsel Freehill Hogan & Mahar, LLP.

**IT IS FURTHER ORDER, ADJUDGED and DECREED** that Plaintiff's rights to seek a judgment on the balance of the amount awarded in the London arbitration award described

above is unaffected by this Judgment and Plaintiff's rights to seek recognition and enforcement of the unsatisfied amounts awarded are specifically reserved.

Dated this 6<sup>th</sup> day of May 2008, at New York, New York.

  
U.S. DISTRICT JUDGE KEENAN